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CLERK OF DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

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 10 and for all others similarly situated

11 **UNITED STATES DISTRICT COURT**  
 12 **CENTRAL DISTRICT OF CALIFORNIA**

13  
 14 EDWARD SIMON, DC, individually  
 15 and on behalf of all others similarly  
 situated,

16 Plaintiff,

17 v.

18 HYLAND'S INC., a California  
 19 corporation,

20 Defendant.

Case No. CV 2:13-7892 ABC (VBKx)

**Judge Audrey B. Collins**

**CLASS ACTION**

**First Amended Complaint for:**

1. Violations of the Junk Fax  
Prevention Act (47 U.S.C. § 227  
and 47 C.F.R. § 64.1200);
2. Violations of Cal. Bus. &  
Professions Code § 17538.43(b)

**Demand for Jury Trial; Exhibit**

LAW OFFICES OF SCOTT Z. ZIMMERMANN

1 Plaintiff Edward Simon, DC ("Plaintiff"), on behalf of himself and all other  
2 similarly situated, brings this action on behalf of himself, and all others similarly  
3 situated, hereby sues defendant Hyland's, Inc. ("Hyland's" or "Defendant"), and  
4 avers:

### 6 Introduction

7  
8 1. More than two decades ago the Telephone Consumer Protection Act of  
9 1991, 47 U.S.C. § 227 ("TCPA") was enacted into law. The law responded to  
10 countless complaints by American consumers and businesses about the cost,  
11 disruption and nuisance imposed by junk faxes. The law prohibited the transmission  
12 of facsimile advertising without the prior permission of the recipient. Despite its  
13 passage, consumers and businesses continued to be besieged with junk faxes. In  
14 2005 Congress responded by strengthening the law through the Junk Fax Prevention  
15 Act of 2005 ("JFPA" or the "Act"). As amended, the Act requires an advertiser to  
16 include on its faxed advertisements a clear and conspicuous notice that discloses to  
17 recipients their right to stop future faxes and explains how to exercise that right.

18  
19 2. Plaintiff brings this class action to recover damages for and to enjoin  
20 junk faxing by Hyland's in violation of the JFPA and the regulations of the Federal  
21 Communications Commission ("FCC") promulgated under the JFPA. Hyland's has,  
22 commencing within four years preceding the filing of this action, blasted junk faxes  
23 in violation of the JFPA and FCC regulations. Defendant's violations include, but  
24 are not limited to, the facsimile transmission of an advertisement on April 24, 2013,  
25 sent to Plaintiff's telephone facsimile machine via Plaintiff's facsimile telephone  
26 number, true and correct copy of which advertisement is attached as Exhibit 1.

3. **Jurisdiction, Standing and Venue.** Plaintiff commenced this action on September 20, 2013, in the Los Angeles County Superior Court. On October 25, 2013, Hyland's removed the action to this Court. This Court has subject matter jurisdiction over this action by operation of 28 U.S.C. § 1331 because this action arises under the laws of the United States. *See Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740, 747, 1818 L. Ed. 2d 881 (2012). Plaintiff has standing to seek relief in this Court because § (b)(3) of the Act authorizes commencement of an action to obtain statutory damages in the minimum amount of \$500 for each violation of the JFPA and/or FCC regulations, to obtain injunctive relief, or for both such actions. Plaintiff also has standing under California Business & Professions Code §17538.43 to obtain statutory damages and injunctive relief under that statute. Venue is proper under 28 U.S.C. § 1391(b) because Hyland's sent or caused to be sent fax advertising in violation of the JFPA and FCC regulations and § 17538.43(b) from and to this judicial district, including to Plaintiff.

## The Parties

4. **Individual Plaintiff/Class Representative.** Plaintiff Edward Simon, DC, is, and at all times relevant hereto was, a chiropractor, doing business within this judicial district at premises located in North Hollywood, and the subscriber of the facsimile telephone number (818-761-8705) to which junk faxes, including as attached hereto as Exhibit 1, were sent, or caused to be sent, by Hyland's.

5. **Defendant Hyland's Inc.** Plaintiff is informed and believes, and upon such information and belief avers, that Hyland's is, and at all times relevant hereto was, a corporation organized and existing under the laws of the state of California, with its principal place of business located within this judicial district. Plaintiff is

1 further informed and believes, and upon such information and belief avers, that  
 2 Hyland's markets and sells homeopathic products, including, but not limited to,  
 3 "Hyland's Calms Forte," on a nationwide basis.

#### 4 5 **JFPA's Prohibition Against Junk Faxing**

6  
 7 6. By the early 1990s, advertisers had exploited facsimile telephone  
 8 technology to blanket the country with junk fax advertisements. This practice  
 9 imposed tremendous disruption, annoyance, and cost on American consumers and  
 10 businesses. Among other things, junk faxes tie up recipients' telephone lines and  
 11 facsimile machines, misappropriate and convert recipients' fax paper and toner, and  
 12 require recipients to sort through faxes to separate legitimate faxes from junk faxes,  
 13 and to discard the latter. Congress responded to the problem by passing the TCPA.  
 14 The law was enacted to eradicate "the explosive growth in unsolicited facsimile  
 15 advertising, or 'junk fax.'" H.R. Rep. No. 102-317 (1991).

16  
 17 7. In the decade following the law's enactment, however, American  
 18 consumers and businesses continued to be "besieged" by junk faxes because  
 19 advertiser refused to honor requests by recipients to stop. FCC, Report and Order  
 20 on Reconsideration of Rules and Regulations Implementing the TCPA of 1991, 29  
 21 Comm. Reg. 830 ¶ 186 (2003). Congress responded by strengthening the law  
 22 through the JFPA. The JFPA, for the first time, required senders to disclose in their  
 23 faxes that recipients have the right to stop future faxes and to explain how they can  
 24 exercise that right (hereinafter collectively the "Opt-Out Notice Requirements").  
 25 § (b)(1)(C)(iii), (b)(2)(D), (b)(2)(E), (d)(2); 47 C.F.R. § 64.1200(a)(4)(iii)-(vi).

## California's Prohibition Against Junk Faxing

8. California has its own anti-junk faxing law contained in California Business & Professions Code § 17538.43.<sup>1</sup> The law prohibits a person or entity located within California from sending, or causing another to send, “unsolicited advertisements” including, but not limited to, to recipients located within California. *Id.* § (a)(2), (b)(1). The sole statutory defense available under the law is “prior express invitation or permission.” *Id.* § (a)(2). The minimum statutory damages under § 17538.43 are \$500 per violation and such damages may be increased in an amount not more than three times in the event of a defendant willfully or knowingly violates the statute. § (b)(2). The remedies under § 17538.43 are cumulative with the remedies available under the JFPA. *Id.* § (b)(2).

## Hyland's' Junk Fax Program

9. Plaintiff is informed and believes, and upon such information and belief avers, that the faxes at issue, including Exhibit 1, were designed as, intended as, and constituted advertisements under the JFPA within the four corners of such faxes and as part of Defendant's overall marketing and promotional activities. The faxes at issue were sent or caused to be sent by Hyland's.

10. Plaintiff did not give Hyland's prior express invitation or permission as defined in the JFPA (§ (a)(5)) and § 17538.43(a)(2) to send Exhibit 1 to this Complaint or any other junk faxes. Plaintiff is informed and believes, and upon

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<sup>1</sup> As used herein, § 17538.43 refers to this provision of the California Business & Profession Code.

1 such information and belief avers, that Hyland's blasted Exhibit 1 and other junk  
2 faxes without obtaining prior express invitation or permission from other recipients.  
3 In sending these faxes, Hyland's also failed to include the disclosures required by  
4 the Opt-Out Notice Requirements, in further violation of the JFPA and FCC  
5 regulations.

### 6 7 **Class Action Allegations**

8  
9 **11. Statutory Reference.** This action is properly maintainable as a class  
10 action because (a) all prerequisites of rule 23(a) are satisfied; (b) prosecution of  
11 separate actions by one or more individual members of the class would create a risk  
12 of inconsistent or varying adjudications with respect to individual members of the  
13 class and would establish incompatible standards of conduct for Hyland's, in the  
14 manner contemplated by rule 23(b)(1)(A); (c) Hyland's has acted on grounds that  
15 apply generally to the class, so that final injunctive relief is appropriate respecting  
16 the class as a whole, as contemplated by rule 23(b)(2); and (d) questions of law or  
17 fact common to the members of the class predominate over any questions affecting  
18 only individual members, if any, and a class action is superior to other available  
19 methods for the fair and efficient adjudication of the controversy, as contemplated  
20 by rule 23(b)(3).

21  
22 **12. Class Definition.** The Plaintiff Class consists of all persons and  
23 entities that were at the time subscribers of telephone numbers to which a facsimile  
24 transmission was sent, commencing within four years (with respect to the First  
25 Claim for Relief and three years with respect the Second Claim for Relief)  
26 preceding the filing of this action, which facsimile transmission discusses, describes,  
27 or promotes property, goods or services of Hyland's, including, without limitation,  
28



1 Exhibit 1 to this Complaint ("Plaintiff Class"). Plaintiff reserves the right to amend  
2 the class definition following completion of class certification discovery.

3  
4 **13. Class Size/Impracticality of Joinder.** Plaintiff is informed and  
5 believes, and upon such information and belief avers, that the number of persons  
6 and entities of the Plaintiff Class is sufficiently numerous such that joinder of all  
7 members is impracticable due to the class's size and due to the relatively small  
8 potential monetary recovery for each Plaintiff Class member, in comparison to the  
9 time and costs associated with joinder in the litigation on an individual basis.

10  
11 **14. Typicality.** The claims of Plaintiff are typical of the Plaintiff Class as  
12 they were sent junk faxes by Hyland's, have claims under the same statute and are  
13 entitled to the same statutory damages.

14  
15 **15. Adequacy of Representation.** The Plaintiff Class will be well  
16 represented by Plaintiff and Plaintiff's counsel. Plaintiff appreciates the  
17 responsibilities of a class representative and understands the nature and significance  
18 of the claims made in this case. Plaintiff can fairly and adequately represent and  
19 protect the interests of the Plaintiff Class because there is no conflict between his  
20 interests and the interests of other class members. Proposed class counsel has the  
21 necessary resources, experience (including extensive experience in litigating junk  
22 fax claims and ability to prosecute this case on a class action basis.

23  
24 **16. Common Questions of Law and Fact Are Predominant.** Questions  
25 of law and fact common to the class predominate over questions affecting only  
26 individual class members.

1           **A. Common Questions of Fact.** This case presents numerous  
2 questions of fact that are common to all class members claims. Plaintiff is informed  
3 and believes, and upon such information and belief avers, that the case arises out of  
4 a common nucleus of facts and that Hyland's has engaged in the same general  
5 course of conduct vis-à-vis class members, and all class members' damages arise  
6 out of that conduct.

7  
8           **B. Common Questions of Law.** The case presents numerous  
9 common questions of law, including, but not limited to:

10  
11           (1) whether the faxes at issue are advertisements within the ambit of  
12 the JFPA and FCC regulations and/or § 17538.43;

13  
14           (2) Did Hyland's send, or cause to be sent, the faxes at issue;

15  
16           (3) Defendant's mode and method of obtaining the telephone  
17 numbers to which the junk faxes were sent and whether that mode and method  
18 complied with the requirements of § (b)(1)(C)(ii) of the Act and FCC regulations;

19  
20           (4) whether Hyland's complied with the Opt-Out Notice  
21 Requirements of the JFPA and FCCs regulations, and the legal consequences of the  
22 failure to comply with those requirements;

23  
24           (5) what constitutes a knowing or willful violation within the  
25 meaning of § (b)(3) of the Act and/or § 17538.43(b)(2)(C);



1 (6) whether Hyland's committed knowing and/or willful violations  
2 of the JFPA, FCC regulations and/or § 17538.43;

3  
4 (7) whether damages should be increased on account of Defendant's  
5 knowing and/or willful violations and, if so, by what amount; and

6  
7 (8) whether injunctive relief as prayed for in the Complaint should  
8 be entered.

9  
10 17. **Injunctive Relief Is Appropriate.** Hyland's has acted, and continues  
11 to act, on grounds that apply generally to the Plaintiff Class, so that injunctive relief  
12 is appropriate with respect to the Plaintiff Class as a whole.

13  
14 18. **Superiority of Class Adjudication.** The action should be maintained  
15 as a class action because a class action is superior to other available methods for the  
16 fair and efficient adjudication of the controversy:

17  
18 A. Common questions of law and fact, including those identified in  
19 paragraph 16, predominate over questions affecting only individual members.

20  
21 B. Prosecuting separate actions by individual class members would  
22 create a risk of inconsistent or varying adjudications that would establish  
23 incompatible standards of conduct for Hyland's.

24  
25 C. Proof of the claims of Plaintiff will also prove the claims of the  
26 Plaintiff Class without the need for separate or individualized proceedings and the  
27 statutory damages provided for in the JFPA and § 17538.43 are the same for all  
28

1 members of the Plaintiff Class, such that damages can be calculated with  
2 mathematical certainty.

3  
4 D. Hyland's has acted pursuant to common policies and practices in  
5 the same or similar manner with respect to all members of the Plaintiff Class.

6  
7 E. Class adjudication will conserve judicial resources and will avoid  
8 the possibility of inconsistent rulings in the event individual cases are brought.

9  
10 F. A class action will result in an orderly and expeditious  
11 administration of claims, and it will foster economies of time, effort and expense.

12  
13 G. Most members of the Plaintiff Class are not likely to join or  
14 bring an individual action due to, among other reasons, the small amount to be  
15 recovered relative to the time, effort and expense necessary to join or bring an  
16 individual action. Because the statutory minimum damage is \$500 per violation and  
17 the Act and § 17538.43 contain no provision authorizing an award of attorneys' fees  
18 to a successful plaintiff, individual action to remedy Defendant's violations of the  
19 Act, FCC regulations and/or § 17538.43 would be grossly uneconomical. As a  
20 practical matter, the claims of the vast majority of the Plaintiff Class are not likely to  
21 be redressed absent certification.

22  
23 H. Equity dictates that all persons who stand to benefit from the  
24 relief sought herein should be subject to this action and, hence, subject to an order  
25 spreading the costs of litigation among the class members in relationship to the  
26 benefits received.

1        19.    **Notice.** Plaintiff contemplates that notice be provided to all class  
2 members that can be identified through reasonable effort. Rule 23 requires, and the  
3 notice will concisely and clearly state in plain, easily understood language: the  
4 nature of the action; the definition of the class certified; the class claims, issues and  
5 defenses; that a class member may enter an appearance through counsel if the  
6 member so desires; if the class is certified under rule 23(b)(3), that the Court will  
7 exclude from the class any member who requests exclusion, stating when and how  
8 members may elect to be excluded; and the binding effect of a class judgment on  
9 class members under rule 23(c)(3).

10  
11                    **First Claim for Relief for Violations of the JFPA**  
12                    **and FCC Regulations**

13  
14                    **(Against Defendant Hyland's, Inc.)**

15  
16        20.    **Incorporation.** Plaintiff and the Plaintiff Class reassert and re-aver the  
17 averments set forth in paragraphs 1 through 19, above.

18  
19        21.    **Defendant's Violations of the Act and FCC Regulations.**  
20 Commencing within four years preceding the filing of this action, including, without  
21 limitation, on April 24, 2013, Defendant Hyland's violated the JFPA and FCC  
22 regulations by, among other things, sending unsolicited advertisements and/or  
23 advertisements that violate the Opt-Out Notice Requirements from telephone  
24 facsimile machines, computers, or other devices to telephone facsimile machines of  
25 Plaintiff and members of the Plaintiff Class within the United States.

1           22. Hyland's is a sender of the junk faxes at issue because the faxes were  
2 sent on its behalf and because the faxes advertised or promoted Defendant's  
3 property, goods or services.

4  
5           23. **Private Right of Action.** Under § (b)(3) of the Act, Plaintiff has a  
6 private right of action to bring this claim for damages and injunctive relief on behalf  
7 of himself and on behalf of the Plaintiff Class to redress Defendant's violations of  
8 the Act and FCC regulations.

9  
10          24. **Injunctive Relief.** Plaintiff is entitled have preliminary and permanent  
11 injunctions issue to: (1) prohibit Hyland's, its employees, agents, representatives,  
12 contractors, affiliates and all persons and entities acting in concert with them, from  
13 committing further violations of the Act and FCC regulations, and thereby, among  
14 other things, prohibiting Hyland's, its employees, agents, representatives,  
15 contractors, affiliates, and all persons and entities acting in concert with them, from  
16 sending any unsolicited advertisements via facsimile to any person or entity or  
17 sending any advertisements via facsimile that do not comply with the Opt-Out  
18 Notice Requirements; (2) require Hyland's to deliver to Plaintiff all records of  
19 facsimile advertisements sent commencing within four years of the filing of this  
20 action, including all content sent via facsimile, fax lists, and transmission records;  
21 (3) require Hyland's to adopt ongoing educational, training and monitoring  
22 programs to ensure compliance with the JFPA and FCC regulations, and limiting  
23 facsimile advertising activity to personnel who have undergone such training; (4)  
24 require Hyland's to provide written notice to all persons and entities to whom  
25 Hyland's sent, via facsimile transmission, advertisements in violation the Act and/or  
26 FCC regulations, warning such persons and entities that the faxing of unsolicited  
27 advertisements or advertisements that do not comply with the Opt-Out Notice  
28

Requirements violates the JFPA and that they should not be led or encouraged in any way by Defendant's violations of the Act and/or FCC regulations to send advertisements of their own that violate the Act and/or FCC regulations; and (5) require Hyland's to conspicuously place on the homepage of its website(s) the warnings contained in subsection 4 of this paragraph.

25. **Damages.** Plaintiff and members of the Plaintiff Class are entitled to recover statutory damages in the minimum amount of \$500 for each violation by Hyland's of the JFPA and/or FCC regulations, as expressly authorized by § (b)(3)(B). In addition, Plaintiff is informed and believes, and upon such information and belief avers, that Hyland's committed its violations willfully and/or knowingly and that the amount of statutory damages should be increased up to three times, also authorized by § (b)(3)(B).

**Second Claim for Relief for Violations of  
Cal. Bus. & Professions Code § 17538.43**

**(Against Defendant Hyland's, Inc.)**

26. **Incorporation.** Plaintiff and the Plaintiff Class reassert and re-aver the averments set forth in paragraphs 1 through 19, above.

27. **Defendant's Violations of § 17538.43.** Commencing within three years preceding the filing of this action, including, without limitation, on April 24, 2013, Hyland's, while located within California, violated § 17538.43 by, among other things, sending, or causing another to send, unsolicited advertisements from telephone facsimile machines, computers, or other devices to telephone facsimile

1 machines of Plaintiff and members of the Plaintiff Class within or without  
2 California.

3  
4       **28. Private Right of Action.** Under § 17538.43(b)(2)(A)-(C), Plaintiff has  
5 a private right of action to bring this claim for damages and injunctive relief on  
6 behalf of himself and on behalf of the Plaintiff Class to redress Defendant's  
7 violations of § 17538.43(b).

8  
9       **29. Injunctive Relief.** Plaintiff is entitled have preliminary and permanent  
10 injunctions issue to: (1) prohibit Hyland's, its employees, agents, representatives,  
11 contractors, affiliates and all persons and entities acting in concert with Hyland's,  
12 from committing further violations of § 17538.43, and thereby, among other things,  
13 prohibiting Hyland's, its employees, agents, representatives, contractors, affiliates,  
14 and all persons and entities acting in concert with them, from sending, or causing  
15 others to send, any unsolicited advertisements via facsimile within the scope of §  
16 17538.42; (2) require Hyland's to deliver to Plaintiff all records of facsimile  
17 advertisements sent commencing within three years of the filing of this action,  
18 including all content sent via facsimile, fax lists, and transmission records; (3)  
19 require Hyland's to adopt ongoing educational, training and monitoring programs to  
20 ensure compliance with § 17538.43, and limiting facsimile advertising activity to  
21 personnel who have undergone such training; (4) require Hyland's to provide  
22 written notice to all persons and entities to whom Hyland's sent or caused to be sent,  
23 via facsimile transmission, advertisements in violation § 17538.43, warning such  
24 persons and entities that the facsimile transmission of unsolicited advertisements  
25 violates § 17538.43 and that they should not be led or encouraged in any way by  
26 Defendant's violations of such law to send or cause to send advertisements of their  
27  
28

own that violate such law; and (5) require Hyland's to conspicuously place on the homepage of its websites the warnings contained in subsection 4 of this paragraph.

30. **Damages.** Plaintiff and members of the Plaintiff Class are entitled to recover statutory damages in the minimum amount of \$500 for each violation by Hyland's of § 17538.43, as expressly authorized by § (b)(2)(B) of that statute. In addition, Plaintiff is informed and believes, and upon such information and belief avers, that Hyland's committed its violations willfully and/or knowingly and that the amount of statutory damages should be increased up to three times, also authorized by § (b)(2)(C) of that statute.

### **Prayer for Relief**

WHEREFORE, Plaintiff and the Plaintiff Class pray for judgment against Hyland's, Inc., on the First and Second Claims for Relief:

1. Certifying classes described in paragraph 12 of the Complaint;
2. Appointing Plaintiff as class representative, and awarding Plaintiff an incentive award for his efforts as class representative;
3. Appointing Plaintiff's counsel as class counsel;
4. Awarding of statutory damages in the amount of \$500 for each violation of the Act and/or FCC regulations (First Claim for Relief) and/or § 17538.43 (Second Claim for Relief) and the trebling of such statutory damages, in



1 an amount not less than \$1,000,000, exclusive of interest and costs, according to  
2 proof;

3  
4 5. Entering preliminary and permanent injunctions requested in paragraph  
5 24 of the Complaint (First Claim for Relief) and paragraph 29 of the Complaint  
6 (Second Claim for Relief);

7  
8 6. Ordering payment of Plaintiff's costs of litigation, including, without  
9 limitation, costs of suit and attorneys' fees, spread among the members of the  
10 Plaintiff Class in relation to the benefits received by them;

11  
12 7. Awarding pre-judgment interest; and

13  
14 8. Awarding such other and further relief as the Court shall deem just and  
15 proper.

16  
17 **Demand for Jury Trial**

18  
19 Plaintiff demands trial by jury on all issues triable by jury.

20  
21 DATED: November 13, 2013

Law Offices of Scott Z. Zimmermann  
and  
Payne & Fears LLP

22  
23  
24  
25 By: 

Scott Z. Zimmermann  
Attorneys for Plaintiff Edward Simon, DC,  
and for all others similarly situated

# **Exhibit 1**



**Hyland's Calms Forte'**  
**FREE Sample Invitation**

**When: May or June 2013**

**PLEASE REPLY BY**

**April 30<sup>th</sup> 2013!**

**Hand it to Women** invites your facility to participate in an exciting FREE program. Hyland's Calms Forte' would like to provide you with free samples and coupons to share with women at your facility. Eligible businesses include: Women Only Health Clubs, Jazzercise, Yoga, Pilates, Spas and Chiropractors.

**Participating Facilities Will Receive:**

- Hyland's Calms Forte' free samples and coupons
- A table easel
- A manual with suggestions on how to set up the promotion

**All We Ask In Return:**

- To share product samples and coupons with customers at your location
- Provide Hand it to Women with feedback (a short online survey)
- Please take photos of the program in 'action'

**To Enroll:**

- Call Us - Call Andrea at 303-945-8658
- Email Us - Send an email to [marie@handit2.com](mailto:marie@handit2.com)  
(Please include the information requested below)
- Fax Us - Fill out the information below and fax this form to 303-957-5720



**Hyland's Calms Forte' \***

- Natural, safe and effective
- Temporary symptomatic relief of simple nervous tension, stress and sleeplessness
- Homeopathic formulas with the highest quality natural ingredients
- Made according to the Homeopathic Pharmacopoeia of the United States
- Sold at CVS, Target, Walgreens, and other drug stores and supermarkets

\* These claims are based upon traditional homeopathic usage. They have not been reviewed by the Food and Drug Administration. For more information see the following link: <http://www.hylands.com>

**Facility Information**

Facility Name	<input type="text"/>
Facility Phone	<input type="text"/>
Facility Email	<input type="text"/>
Facility Address	<input type="text"/>
# of unique customers in your facility over a 2 week period	<input type="text"/>

**Your Information**

Your Name	<input type="text"/>
Your Title	<input type="text"/>
Your Phone	<input type="text"/>
Your Email	<input type="text"/>



**Hand it to Women**

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; I am employed by the Law Offices of Scott Z. Zimmermann, and my business address is 601 S. Figueroa Street, Suite 2610, Los Angeles, CA 90017.

On November 13, 2013, I served the documents described as ***First Amended Complaint*** on the interested parties in this action by placing a true copy thereof in sealed envelope(s) addressed as follows:

SEE ATTACHED SERVICE LIST

☒ (By Mail) I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ (By Electronic/E-Mail Delivery) Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. (COURTESY COPIES)

☒ (Federal) I declare that I am employed by a member of the bar of this court at whose direction the service was made.

Executed November 13, 2013, at Los Angeles, California.

  
Colleen R. Doubroff

**SERVICE LIST**

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Attorneys for Defendant HANDIT2  
NETWORK, LLC